## SUMMARY REPORT OF INVESTIGATION<sup>1</sup>

Date/Time/Location of Incident:	September 27, 2015, at approximately 12:00 AM at or near S. Lowe Ave., Chicago, IL 60621
Date/Time of COPA Notification:	September 28, 2015, at 12:47 PM
Involved Officer #1:	Star# Employee# DOA:  1994, Rank: Lieutenant, UOA: District, Detailed to Unit DOB: 1967, Male, White
Involved Officer #2:	Star# Employee# Rank: Sergeant, UOA: District, Detailed to Unit DOB: 1981, Male, Asian
Involved Officer #3:	Star# Employee# Rank: Police Officer, UOA: District, DOB: 1983, White, Male
Involved Officer #4:	Star# Employee# DOA:  /2012, Rank: Police Officer, UOA: District,  DOB: // 1983, Male, Hispanic
Involved Officer #5:	Star#: Employee# Rank: Police Officer, UOA: Unit DOB: 1983, Male, White
Involved Officer #6:	Star# Employee# Rank: Police Officer, UOA: District
Involved Individual #1:	/1958, Female, Black
Involved Individual #2:	/1995, Female Black
Case Type:	Excessive Force

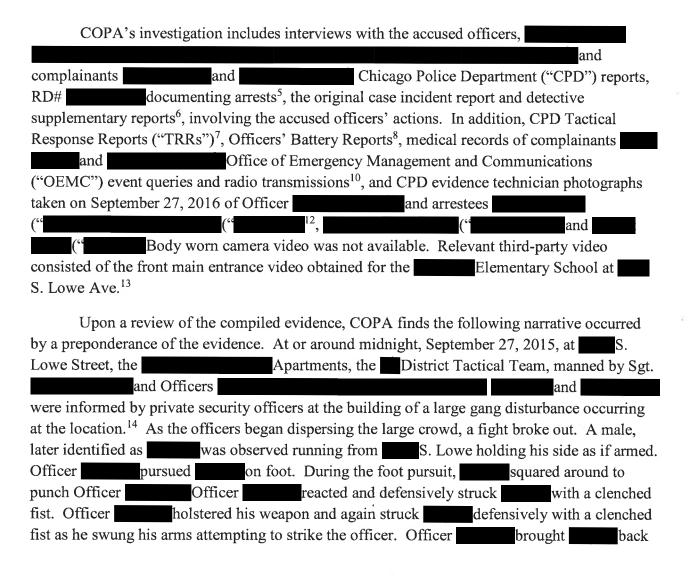
<sup>&</sup>lt;sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

# I. ALLEGATIONS

Officer	Allegation	Finding
Lt.	It is alleged that on September 27, 2015, at Lowe Ave., at approximately 12:00 AM, then Sgt.  1. Had an unjustified physical contact with to wit, grabbed and twisted her arm causing injury;  2. Had an unjustified physical contact with pushing her against a CPD vehicle and knocked her cellular phone from her hand.	Not Sustained Unfounded
	from her hand.	
Sgt.	It is alleged that on September 27, 2015, at Lowe Ave., at approximately 12:00 AM, then Officer  1. Had an unjustified physical contact with to wit, grabbed and twisted her arm causing injury;  2. Had an unjustified physical contact with pushing her against a CPD vehicle and knocked her cellular phone from her hand.	Not Sustained Unfounded
Officer	It is alleged that on September 27, 2015, at Lowe Ave., at approximately 12:00 AM, Officer  1. Had an unjustified physical contact with to wit, grabbed and twisted her arm causing injury;  2. Had an unjustified physical contact with pushing her against a CPD vehicle and knocked her cellular phone from her hand.	Not Sustained Unfounded

Officer	It is alleged that on September 27, 2015, at Lowe Ave., at approximately 12:00 AM, Officer	
	1. Had an unjustified physical contact with to wit, grabbed and twisted her arm causing injury;	Not Sustained
	2. Had an unjustified physical contact with pushing her against a CPD vehicle and knocked her cellular phone from her hand.	Unfounded
Officer	It is alleged that on September 27, 2015, at Lowe Ave., at approximately 12:00 AM, Officer	
	1. Had an unjustified physical contact with to wit, grabbed and twisted her arm causing injury;	Not Sustained
	2. Had an unjustified physical contact with pushing her against a CPD vehicle and knocked her cellular phone from her hand.	Unfounded
Officer	It is alleged that on September 27, 2015, at Lowe Ave., at approximately 12:00 AM, Officer	
	1. Had an unjustified physical contact with to wit, grabbed and twisted her arm causing injury;	Not Sustained
	2. Had an unjustified physical contact with pushing her against a CPD vehicle and knocked her cellular phone from her hand.	Unfounded

### II. SUMMARY OF EVIDENCE<sup>2</sup>



<sup>&</sup>lt;sup>2</sup>COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA's ongoing efforts to increase case closure capacity, certain cases opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

<sup>&</sup>lt;sup>3</sup> Attachments 85, 86, 88, 90, 92 and 93.

<sup>&</sup>lt;sup>4</sup> Attachments 6 and 11.

<sup>&</sup>lt;sup>5</sup> Attachments 16, 21, 24, and 29

<sup>&</sup>lt;sup>6</sup> Attachments 14 and 15

<sup>&</sup>lt;sup>7</sup> Attachments 18, 23, 26, and 27

<sup>&</sup>lt;sup>8</sup> Attachments 19 and 28

<sup>&</sup>lt;sup>9</sup> Attachments 76 and 77

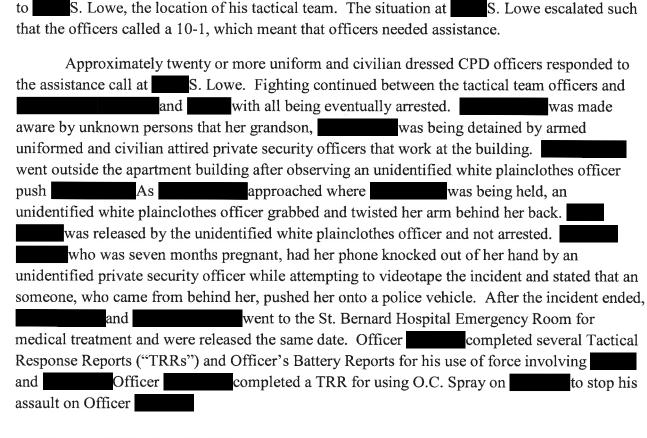
<sup>&</sup>lt;sup>10</sup> Attachments 46,47,59, and 60

<sup>11</sup> Attachment 53

<sup>&</sup>lt;sup>12</sup> Attachments 54, 55, 56, and 57

<sup>&</sup>lt;sup>13</sup> Attachments 95

at that time were not promoted to their current ranks.



#### III. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

- 1. <u>Sustained</u> where it is determined the allegation is supported by a preponderance of the evidence;
- 2. <u>Not Sustained</u> where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
- 3. <u>Unfounded</u> where it is determined by clear and convincing evidence that an allegation is false or not factual; or
- 4. <u>Exonerated</u> where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A preponderance of evidence can be described as evidence indicating that it is more likely than not that the conduct occurred and violated Department policy. See Avery v. State Farm Mutual Automobile Insurance Co., 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See e.g., People v. Coan, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." Id, at ¶ 28.

### IV. ANALYSIS AND CONCLUSION

Deputy Chief Administrator – Chief Investigator

COPA finds that allegation #1 against all officers is Nall is Unfounded. The CPD officers responded to a call fr	rom private security at the
Apartments, S. Lowe, of a large gang disturbation of the state of the	<del></del>
armed uniformed and plainclothes security officers with v	
officers. As the disturbance escalated, the CPD officers no	
assistance, at the location. Approximately twenty or more	
officers responded to the location. During the melee, both	
plainclothes private security officers attempted to restore or	
corroborate Lt. statement in their inter	
building were involved in the incident along with CPD plain	
could not identify whether it was a member CPD to	<del>-</del>
preponderance of the evidence, COPA cannot conclude the	
Sgt. or Officers	and twisted the arm of
Therefore allegation #1 is Not Sustained.	
statement that a private security office	cer knocked her phone from her hand
corroborates Lt. and Officers	and denial of that
action. could not identify who it was that	at pushed her from behind. COPA
concludes that there is clear and convincing evidence that it	-
her. All of the CPD officers denied it, and since she could no	ot positively identify that it was a CPD
officer, allegation #2 is Unfounded.	
Approved:/	
	8-23-19
Angela Hearts-Glass Da	te

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# Appendix A

Assigned Investigative Staff